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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,515

09/30/2003

Keith N. Larson

3655/0302PUS1

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7590

02/22/2008

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,515

Applicant(s)

LARSON ET AL.

Examiner

Joy K. Contee

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-12,14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5,7-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Navarro, U.S. Patent Application Pub. 2003/0143974, previously used, in view Phillips et al. (Phillips), US Patent Pub. No. 2007/0129053.

Regarding claims 1 and 8, Navarro discloses a method (and system) for a cell phone service provider to communicate to a cell phone user, said user located in a particular local geographical area, an alert message that effects that particular local geographical area, said method comprising the steps of: determining the user is located in said geographical area; receiving said alert message from a reporting agency, said message containing information as to locations effected; determining cellular phone cells that are serviced by the cell phone service provider and that are in the effected locations; and, providing to the user at least one communication advising him of the alert message (para 0019).

Navarro fails to explicitly disclose determining that the user is a member of a class intended to receive an alert.

In a similar field of endeavor, Phillips discloses determining that the user is a member of a class intended to receive an alert (pages 2-3 [0015,0021,0023,0026,0027] and page 4 [0038] and page 6 [0051]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Navarro to include determining that the user is a member of a class intended to receive an alert for the purpose of contacting only users subscribing exclusively desiring the alert, see Phillips page 2 [0033].

Regarding claims 2 and 9, Navarro and Phillips discloses the method of claim 1 wherein the reporting agency is selected from the group consisting of National Weather Service, National Oceanographic and Atmospheric Administration, Amber Alert Systems, State Police, Fire Department, local government agency, and local police (see Phillips para [0038,0040]).

Regarding claims 3 and 10, Navarro and Phillips discloses the method of claim 1 wherein said communication is selected from the group consisting of displaying information, triggering an audio alert, and supplying a voice message (see Phillips para [0038,0040]).

Regarding claims 4 and 11, Navarro and Phillips discloses the method of claim 1 further comprising the step of: inherently permitting the user to limit said providing step based upon subject content of the message (see Phillips para [0038,0040]).

Regarding claims 5 and 12, Navarro and Phillips discloses the method of claim 1 further comprising the step of: inherently permitting the user to limit the frequency at which said communications are provided to him (para 0023-0026, especially 0025).

Regarding claims 7 and 14, Navarro and Phillips discloses the method of claim 1 further comprising the steps of: defining the location of a destination contained in the message; and, communicating to the user directions from his present location to said destination (para 0020).


Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC


JOY K. CONTEE
PATENT EXAMINER


CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER